REMARKS

The Applicants appreciate the continued thorough examination of the subject application. By this amendment certain claims have been amended as set forth above to overcome the Examiner's objections and rejections and more concisely claim and describe the present invention. Claims 1-3, 5-7, 9-12 and 14-17 remain in the application for reconsideration by the Examiner. The Examiner's allowance of all pending claims is earnestly solicited.

Claims 1-3, 5-7, 9, 11, 12 and 14-17 have been rejected under Section 102(e) as unpatentable over Lindblom (6,914,878). Claim 10 has been rejected under Section 103(a) as unpatentable over Lindblom.

To further distinguish the claimed invention from the cited art, the Applicants have amended claim 1 as set forth above. In particular, claim 1, paragraph (c) now states "in response to the control signal, starting a drain timer, wherein during a drain time interval the first switch fabric transmits data to output devices." This change is supported by the specification beginning at line 27 on page 8 through line 24 on page 9.

Lindblom uses a different technique from the claimed Applicants' technique for terminating data transmission from the active switch fabric and activating the previously designated standby switch fabric. Specifically, as described at Lindblom's column 11 beginning in line 16, the switch port interface unit (SPIC) detects that all cells have been flushed from the active switch plane. This is accomplished (see column 12 beginning at line 61) as the switch port interface unit monitors traffic from the previously active switch plane after the plane change timer (PCT) has expired. When the switch port interface unit detects certain types of non-traffic cells (thirty-two consecutive synchronization cells) from the previously designated active plane this switch plane is considered empty. Data traffic flow is then started from the previously designated standby switch plane.

According to the invention as claimed, the Applicants' previously designated active switch fabric transmits data to output devices during the drain time interval and the previously designated standby switch fabric is controlled to the active state when the drain time interval

has ended. This technique is patentably distinct from the data detection process disclosed by Lindblom.

Further, the function of Lindblom's plane change timer is different from the Applicants' drain timer and restart timer. As described at lines 37-41 of column 13, Lindblom's plane change time relates to "a predetermined time which is sufficiently long to ensure that the slowest switch port interface unit has had time to receive the plane change cell and to redirect traffic cells to the second [previously standby] switch plane." At the end of the PCT interval the switch port interface unit monitors traffic out of the previous active plane. The identification of certain cell types indicates that the first switch fabric is considered empty. In contrast, the Applicant's drain timer indicates a time interval during which the previously designated active switch fabric drains, but before the switch fabrics have swapped roles. The swap occurs only after the drain time interval has timed out. A restart timer is then stated, after which data is sent to the newly designated active switch fabric.

Lindblom also discloses that the switch port interface units that are fast in completing the plane change process and which have enabled egress on the newly active switch plane, can start to receive traffic cells from the other fast switch point interface units, thereby minimally disturbing traffic flow. See column 13, lines 30-36. Such is not the case with the Applicants' invention as the input devices send data to the newly designated active [second] switch fabric when the restart timer has timed out. There is no distinction made for "fast" switch port interface units.

Dependent claims 2, 3 and 5 dependent from independent claim 1 each include features that further distinguish the invention as claimed over the art of record. These claims should therefore be in condition for allowance. Claims 3 and 5 have been amended as indicated to be consistent with the amendments to claim 1 from which it depends.

The amendments to independent claim 6 to overcome the Lindblom citation include a reference to a drain timer in paragraph (c) and claiming in paragraph (d) that the restart timer is started responsive to the switch empty signal or the end of the drain timer interval. As discussed above relative to the amendment to claim 1, these features are not disclosed or suggested in Lindblom and thus claim 6 should be allowable thereover.

Dependent claims 7 and 9-11 each depend from claim 6 and include one or more elements that further distinguish the invention as claimed therein over the art of record. For at least these reasons, claims 7 and 9-11 should be in condition for allowance.

Independent claim 12 has been amended to overcome the rejection under Lindblom by adding details of the drain timer that distinguish the claimed subject matter from Lindblom. In particular, at the end of the drain time interval the active switch fabric is empty. Lindblom does not disclose or suggest the use of a timer element to indicate that the active switch fabric is empty. Furthermore, claim 12 has been amended to overcome the Examiner's informality objection.

Independent claim 14 has been amended to clarify operation of the drain timer. According to the claim, the drain timer provides a time out signal at which time the first switch fabric terminates transmitting data to the plurality of line cards, unlike Lindblom's disclosure that an empty state of the active switch fabric is determined by detecting certain synchronization cells. See Lindblom's column 13 at lines 22-29.

Dependent claims 15 and 16 each depend from claim 14 and include one or more elements that further distinguish the invention as claimed therein over the art of record. For at leas these reasons, claims 15 and 16 should be in condition for allowance.

Rejected independent claim 17 has been amended as indicated to overcome the rejection based on the Lindblom reference. The remarks set forth above regarding the patentability of independent claim 1 over the Lindblom reference also apply to the rejection of claim 17, which is now believed to be in condition for allowance.

The Applicants have responded to all of the objections to claims and rejections of claims in the Office Action and it is believed that the claims 1-3, 5-7, 9-12 and 14-17 remaining in the application are now in condition for allowance. In view of the foregoing amendments and discussion, it is respectfully submitted that all of the Examiner's objections to claims and rejections of claims have been overcome. It is respectfully requested that the Examiner reconsider these rejections and objections and issue a Notice of Allowance for all the pending claims.

The Applicants hereby petition for an extension of time of one month under 37 C.F.R. 1.136. A check in the amount of $120.00 payable to the Director of the USPTO is enclosed in payment of the extension fee.

If a telephone conference will assist in clarifying or expediting this Amendment, the Examiner is invited to contact the undersigned at the telephone number below.

Respectfully submitted,

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CERTIFICATE OF MAILING

I HEREBY CERTIFY that the foregoing Amendment is being deposited with the U.S. Postal Service as first class mail in an envelope addressed to: Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on this 27th day of June 2006.

John L. DeAngelis